

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Dominique BOUREL et al.  
Title: THERAPEUTIC PRODUCTS WITH  
ENHANCED ABILITY TO  
IMMUNOMODULATE CELL FUNCTIONS  
Appl. No.: 10/551,819  
International Filing Date: 4/5/2004  
371(c) Date: 6/12/2006  
Examiner: Unassigned  
Art Unit: 1645  
Conf. No.: 3972

**SECOND PRELIMINARY AMENDMENT UNDER 37 CFR 1.115**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

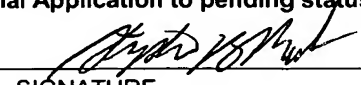
Sir:

Prior to examination of the present Application and further to the Preliminary Amendment filed on September 30, 2005, Applicants respectfully request that the application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 9 of this document.

|   |                                       |  |
|---|---------------------------------------|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |                                       | ATTORNEY'S DOCKET NUMBER   |
|   |                                       | 065691-0408  |
| INTERNATIONAL APPLICATION NO.<br>PCT/IB2004/001390  | INTERNATIONAL FILING DATE<br>4/5/2004 | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)<br>10/551,819 |
|   |                                       | PRIORITY DATE CLAIMED<br>4/3/2003                                |
| TITLE OF INVENTION<br>THERAPEUTIC PRODUCTS WITH ENHANCED ABILITY TO IMMUNOMODULATE CELL FUNCTIONS   |                                       |  |
| APPLICANT(S) FOR DO/EO/US<br>Dominique BOUREL et al.  |                                       |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |                                       |  |
| <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;"><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;"><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;"><input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;"><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;"><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 20px;"><input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;"><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> |                                       |  |
| Items 11 to 20 below concern other document(s) or information included:   |                                       |  |
| <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>   |                                       |  |

|   |              |   |             |   |  |
|---|--------------|---|-------------|---|--|
| U.S. APPLICATION NO. (If known, see 37 CFR. 1.5)<br>10/551,819  |              | INTERNATIONAL APPLICATION NO.<br>PCT/IB2004/001390                            |             | ATTORNEY'S DOCKET NUMBER<br>065691-0408 |  |
| The following fees have been submitted:   |              |   |             |   |  |
| 21. <input checked="" type="checkbox"/> Basic national fee  |              | \$300   |             | \$ 300.00                               |  |
| 22. <input checked="" type="checkbox"/> Examination fee   |              |   |             |   |  |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)  |              | \$100   |             | \$ 200.00                               |  |
| All other situations  |              | \$200   |             |   |  |
| 23. <input checked="" type="checkbox"/> Search fee  |              |   |             |   |  |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority   |              | \$100   |             |   |  |
| International Search Report prepared and provided to the Office   |              | \$400   |             |   |  |
| All other situations  |              | \$500   |             | \$ 400.00                               |  |
| <b>TOTAL OF ABOVE 21, 22 and 23 =</b>   |              |   |             | \$ 900.00                               |  |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.   |              |   |             |   |  |
| Total Sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE        |   |  |
| 62 - 100 = 0  | /50 =        | 0   | x \$250.00  | \$ 0.00                                 |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))   |              |   |             | \$ 130.00                               |  |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE        | \$                                      |  |
| Total Claims  | 54 - 20 =    | 34  | x \$ 50.00  | \$ 1700.00                              |  |
| Independent Claims  | 4 - 3 =      | 1   | x \$ 200.00 | \$ 200.00                               |  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$ 360.00 | \$                                      |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |             | \$ 2930.00                              |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.  |              |   |             | + \$ 0.00                               |  |
| <b>SUBTOTAL =</b>   |              |   |             | \$ 2930.00                              |  |
| Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |              |   |             | \$                                      |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |             | \$ 2930.00                              |  |
| <b>TOTAL FEES PREVIOUSLY PAID =</b>   |              |   |             | \$ 1030.00                              |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |             | \$ 1900.00                              |  |
|   |              |   |             | Amount to be refunded:                  |  |
|   |              |   |             | charged:                                |  |
| <p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charge to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p style="text-align: center;">Foley &amp; Lardner LLP<br/>Customer Number: 22428</p> <div style="text-align: right;"> <br/>             SIGNATURE<br/> <b>Stephen B. Maebius</b><br/>             NAME<br/> <b>35,264</b><br/>             REGISTRATION NUMBER           </div> |              |   |             |   |  |

July 7, 2006